

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Discussion of Amendments

By way of the amendment instructions above, pending claim 1 has been amended for purpose of clarity and claims 2-28 have been canceled. Claims 29-35 are new and are dependent either directly or indirectly from the amended version of claim 1. New claims 29-35 are based substantively on prior elected claims 2-9.

Therefore, following entry of this amendment, claims 1 and 29-35 will remain pending herein for consideration.

2. Response to Restriction Requirement

Applicants hereby affirm the election of Group 1, including claims 1-9 drawn to a cold sealable paper product. Claims 10-28 directed toward patentably distinct inventions non-elected for prosecution herein have been canceled but cancellation of such claims has been effected without prejudice to the applicants' rights under 35 USC §121.

3. Response to 35 USC §112 Rejection

Applicants note that the expression "humid matter" is meant to refer to measurement of the mass based on a wet weight. Thus, as disclosed at page 3, lines 21-22 of the originally filed specification, the mass of the water vapour layer can be expressed with in terms based on "humid matter" or "dry matter", with the former being 2-10 mg/m² and the latter being 1-5 mg/m².

Withdrawal of the rejection based on 35 USC §112, second paragraph is therefore in order.

4. Response to 35 USC §103(a) Rejections

Applicants suggest that none of the references applied to rejection the prior pending claims under 35 USC §103(a) is appropriate.

In this regard, applicants note that Gustafson discloses in the paragraph bridging columns 3 and 4 as well as the last full paragraph on column 4 that for writing a specific water-absorbing polymeric layer must be present. In contrast, according to the presently claimed invention, the printing is present *directly on* the actual paper

As far as applicants understand, the product of Gustafson is writable several times, which means that it is the final product that is writable. This in turn means that either the writable layer remains on top of the product or the layer (discussed on lines 18-39 of column 5) arranged on top of the writable layer has good water permeability whereby the writable layer can be written upon in spite of the release layer. In contrast, according to the presently claimed invention, the printing is physically covered by the water vapour barrier layer making writing impossible. The product of Gustafson therefore is not a cold sealable support.

Torigoe is likewise inappropriate as a reference against the presently claimed invention. In this regard, Torigoe discusses a thermal transfer recording film, where a specific layer for printing has been provided. The printing is *not* present on the support per se, but instead is present within a specific thermally sensitive layer.

The Examiner has argued that the teachings of Gustafson and Torigoe can be combined as they both discuss barrier papers. In this regard, it appears to the applicants that what the Examiner means by barrier papers are papers that have been coated with at least one layer that can be called a "barrier."

Applicants suggest however that that Gustafson's top layer cannot be called a barrier layer, as it has to be water-pervious to allow the ink of a water-based pen (col. 3, lines 15 - 20) to physically reach the writable surface.

As to Torigoe, applicants note that it does not refer to water, barrier, vapor, oxygen, humid or aroma. Instead, the product of Torigoe only has an image protective layer whose function has not been further discussed, except by saying that it "serves to protect the surface of a transferred image". Applicants understand "image surface protection" to relate to mechanical degradation like scratching or the like whereby it is questionable whether such a layer is a barrier layer.

Furthermore, the Examiner argues that it would have been obvious to modify the paper of Gustafson to include the printed layer of Torigoe. Applicants respectfully disagree. What Gustafson understands by writing is hand writing, and laser, impact, and ink jet printing. Gustafson also says the layer is writable several times. However, Torigoe talks about thermal transfer recording, which is something totally different. Consequently an ordinarily skilled person would most certainly not combine the references in the manner the Examiner has done.

Salste has also been cited by the Examiner in combination with Gustafson and Torigoe. Applicants note in this regard that Salste does in fact relate to packaging which is technically more commensurate with the presently claimed invention than either Gustafson or Torigoe. However, Salste relates to heat sealable cardboard packages. In this regard, Salste discusses an oxygen/aroma barrier layer that can be formed of EVOH, having a mass of 2 - 5 g/m², and being positioned between the support and the sealable layer. However, applicants note that Salste requires both EVOH and polyamide layers, whereas applicants' claimed invention lacks. In addition, Salste discloses an adhesive layer between the heat sealable layer and the oxygen barrier, which applicants' claimed invention likewise does not have. Thus, Salste does not render the present invention obvious when combined with Gustafson and Torigoe.

The Examiner lastly cites Williams, which again does not relate to packaging but instead relates to an image transfer material and to heat transfer process. The only technological aspect which Williams teaches is the presence of a barrier layer, and its

function as a water barrier. Thus, Williams does not render obvious the present invention either when combined with the other references of record.

The amended claims clearly are now directed toward a "cold sealable flexible packaging paper" is distinguishable from the thermal transfer papers as disclosed in the applied references.

Withdrawal of all rejections advanced under 35 USC §103(a) is therefore in order.

5. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100